

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address		FOR COURT USE ONLY	
CHAMBERS PREPARED ORDER <input type="checkbox"/> Individual appearing without counsel <input type="checkbox"/> Attorney for Movant		<div style="border: 1px solid black; padding: 5px; text-align: center;">FILED & ENTERED SEP 02 2015 CLERK U.S. BANKRUPTCY COURT Central District of California BY tatum DEPUTY CLERK</div>	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA			
In re:		CHAPTER: 7	
Jacqueline Theresa Guidry		CASE NO.: 2:15-bk-18285-RK	
Debtor(s).		DATE: Not noticed TIME: Not noticed CTRM: FLOOR:	

**ORDER DENYING MOTION FOR RELIEF FROM THE AUTOMATIC STAY
UNDER 11 U.S.C. § 362
(MOVANT: Community Commerce Bank)**

1. The Motion was: ☐ Contested ☐ Uncontested ☒ Not Prosecuted
2. The description of the property (the "Property") to which this Order applies is as follows (*specify common description or street address*):
3. The Motion is denied: ☒ without prejudice ☐ with prejudice ☐ on the following grounds:
- ☐ Based upon the findings and conclusions made on the record at the hearing
- ☐ Unexcused non-appearance by Movant
- ☒ Lack of proper service
- ☐ Lack of good cause shown for relief from stay
- ☐ The automatic stay is no longer in effect under: ☐ 11 U.S.C. § 362(c)(2)(A) ☐ 11 U.S.C. § 362(c)(2)(B)
☐ 11 U.S.C. § 362(c)(3)(A) ☐ 11 U.S.C. § 362(c)(4)(A)

☒ Other (*specify*): Movant has not followed the procedures of Federal Rule of Bankruptcy Procedure 4001(d) requiring a motion to approve a stipulation for relief from the automatic stay with appropriate notice and service. Movant simply submitted the stipulation for court review and approval without following the motion procedures of Rule 4001(d) requiring notice of opportunity to object. The court also notes that although the stipulation was served on the Chapter 7 trustee, the stipulation was not signed by the trustee, who as an interested party in administering the assets of the bankruptcy estate, would be a necessary party to the stipulation. Alternatively, Movant Movant could bring a regular Motion for Relief from Stay in accordance with Federal Rule of Bankruptcy Procedure 4001(a) in addition to a Motion for Approval of Agreement Relating to Relief from the Automatic Stay under Rule 4001(d).

4. ☐ Movant may not file another motion for relief from the stay in this case absent a court order authorizing re-filing.

###

Date: September 2, 2015



Robert Kwan
United States Bankruptcy Judge